

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

DECISION AND ORDER  
07-CV-334A

SAKHWAT ULLAH, JR.,

Defendant.

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Following his criminal conviction for illegal re-entry in violation of 8 U.S.C. § 1326(a) and making a false statement in violation of 18 U.S.C. § 1001(a), the petitioner, Sakhawat Ullah, Jr., filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his “indefinite detention” pending removal. Shortly thereafter, on July 16, 2007, a final order of removal was executed and the petitioner was removed from the United States to Canada. See Dkt. 5, Exh. A (Decl. of George F. Scott). As a result of his removal, the petitioner has received the relief requested in his petition.<sup>1</sup> Therefore, the petition is dismissed as moot and the Clerk of the Court is directed to take all steps necessary to close this case.

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<sup>1</sup> To the extent that petitioner is also seeking to have this Court declare that he is a United States citizen, that relief is denied. The issue of petitioner’s alienage has been extensively litigated in criminal and civil proceedings as set forth more specifically in the government’s motion to dismiss. Those proceedings have repeatedly determined that petitioner is not a United States citizen.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: March 5, 2008